IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2221 OF 2003

Padmanabh Shankarrao Ghose ..Petitioner
Vs.
The Hon'ble the Chief Justice,
High Court of Judicature
at Bombay & Ors. ..Respondents

Ms. A.S. Karnik for Petitioner
Mr. R.M.Sawant, Govt. Pleader for Respondents

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 21ST MARCH, 2005.

P.C.

. One of the challenge raised in the Petition is that the appeal preferred by the Petitioner considering the judgment of the Full Bench of this Court could not have been disposed off without giving a personal hearing to the Petitioner.

2. We have considered the contentions. In the instant case Petitioner was working as a Member of the Industrial Court. This Court on its judicial side has taken a view that appointment of Judges of Labour Court and Industrial Court is subject to the control of this Court. This view has been upheld by the Apex Court. The Petitioner was holding a post equivalent in rank to the post of a District Judge. The Petitioner's appointing authority was the Governor. In these circumstances the Disciplinary Authority considering Rule 233 would also be the

Governor. In terms of the law declared that the Disciplinary Authority in said matters of imposing punishment normally would act on the recommendation of the High Court. The Petitioner came to be dismissed from services.

3. The provisions of the Maharashtra Civil Services (Discipline And Appeal) Rules 1979 are also applicable to the members of the Judicial services of the State. Once the Disciplinary Authority be the Governor the appeal as contemplated under Section 18 would not be available.

. The Rules however contain a provision for revision, whereby it is open to the Honourable Governor to suo-motto revise the order or otherwise exercise the power of revision on a revision being filed by the dismissed employee.

4. Considering the above learned Counsel for the Petitioner seeks leave to withdraw the Petition with liberty to file revision in terms of Rule 25 of the Maharashtra Civil Services (Discipline And Appeal) Rules, 1979.

5. In the light of that, Petition disposed of as withdrawn with liberty to prefer revision in terms of Rule 25.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)